



NOTICE OF INTENT TO OBTAIN CUSTODY

28' cabin cruiser vessel lacking WN Numbers

In accordance with Revised Code of Washington (RCW) 79.100, the unnamed 28' white, stripped out, cabin cruiser vessel (vessel), lacking Washington Registration numbers, found at Cherry Point in Whatcom County has been declared derelict as that term is defined in RCW 79.100.010(5). In December 2009, the vessel was found stripped and beached in Whatcom County. On January 4, 2010, the Washington State Department of Natural Resources (DNR) took temporary possession of the vessel, in order to keep the vessel from sinking and to mitigate the threats it posed.

DNR, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take formal and full custody of the above-named vessel on **February 4, 2010**. Once DNR obtains custody of the vessel, it is authorized to use or dispose of it in any appropriate and environmentally sound manner as provided in RCW 79.100, without further notice to the owner. In order for the owner to retain custody of the vessel, before **February 4, 2010**, the owner must reimburse DNR for the costs associated with the vessel's salvage and storage, make arrangements for the vessel's storage or disposal, and actually follow through on those arrangements.

In order to challenge DNR's taking temporary possession, or DNR's decision to take custody on **February 4, 2010**, the owner must file a written request for a hearing with DNR's Aquatic Resources Division at 1111 Washington Street SE, PO Box 47027, Olympia WA 98504-7027. The written request can be submitted immediately after receipt of this notice, but cannot be filed any later than the twentieth day after the custody date. The right to a hearing is deemed waived if a request is submitted late, and the owner is liable for any costs owed to DNR.

The costs the owner may be liable for include, but are not limited to, costs incurred by DNR while exercising the authority granted in RCW 79.100.030, all administrative costs incurred by DNR during the procedure set forth in RCW 79.100.040 and RCW 79.100.050, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs. Also, the owner may be guilty of a misdemeanor for allowing a vessel to become abandoned or derelict on aquatic lands per RCW 79.100.110.

DNR reserves the right to pursue any other remedies available under law. For more information regarding this action, contact the Derelict Vessel Removal Program at (360) 902-1574 or DVRP@dnr.wa.gov.